

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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LEONID TREYGER,

Plaintiff,

MEMORANDUM & ORDER

21-CV-2902 (EK) (RLM)

-against-

FIRST CLASS FURNITURE AND RUGS INC.,
108 CORONA REALTY CORP., JOHN DOE 1-
X, and CORPORATIONS 1-X,

Defendants.

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ERIC KOMITEE, United States District Judge:

The Court has received Magistrate Judge Mann's Report and Recommendation (R&R) dated January 10, 2022. ECF No. 18. Judge Mann recommends that I grant in part and deny in part Plaintiff's motions for default judgment against defendants First Class Furniture & Rugs, Inc. and 108 Corona Realty Corp. See ECF Nos. 11 and 12. Specifically, Judge Mann recommends that this Court (1) find Defendants liable under the Americans with Disabilities Act (ADA), 42 U.S.C. § 12182, New York Civil Rights Law (NYCRL), N.Y. Civ. Rights Law § 40, New York State Human Rights Law (NYSHRL), N.Y. Exec. Law § 290, New York City Human Rights Law (NYCHRL), N.Y.C. Admin. Code § 8-100; (2) issue an injunction requiring Defendants to prepare architectural plans remedying the violations of the ADA Accessibility Guidelines described in the Complaint and provide Plaintiff's

counsel with those plans within sixty days of this order, affording Plaintiff thirty days to file a motion seeking relief if Defendants' proposed plans are inadequate to remedy such violations, and requiring Defendants to implement the plans and remedy any violations within sixty days of either Plaintiff's agreement or a ruling by this Court that the plans are adequate; (3) deny Plaintiff's request for a declaratory judgment as unnecessary and moot in light of the injunctive relief; and (4) award Plaintiff \$1,500.00 in damages under the NYSHRL, NYCHRL, and NYCRL against Defendants, jointly and severally. ECF No. 18 at 21-22. Judge Mann also recommends that this Court award Plaintiff attorneys' fees and costs in the amount of \$8,250.18 against Defendants, jointly and severally. *Id.* at 22. Neither party has filed objections and the time to do so has expired. Accordingly, the Court reviews Judge Mann's recommendation for clear error on the face of the record. See Advisory Comm. Notes to Fed. R. Civ. P. 72(b); *accord State Farm Mut. Auto. Ins. Co. v. Grafman*, 968 F. Supp. 2d 480, 481 (E.D.N.Y. 2013).

Having reviewed the record, I find no clear error and therefore adopt the R&R in its entirety. Thus, I find Defendants liable under the ADA, NYCRL, NYSHRL, and NYCHRL. Defendants shall prepare architectural plans remedying the ADAAG violations described in the Complaint and provide Plaintiff's

counsel with those plans within sixty days of this order. After that, Plaintiff is afforded thirty days to file a motion seeking relief if Defendants' proposed plans are inadequate to remedy such violations. Defendants shall implement the plans and remedy any violations within sixty days of either Plaintiff's agreement or a ruling by this Court that the plans are adequate. Plaintiff's request for declaratory relief is denied as moot in light of this order. Defendants are joint and severally liable to Plaintiff for \$1,500.00 in damages under the NYSHRL, NYCHRL, and NYCRL. Finally, Defendants are joint and severally liable for a total of \$8,250.18 in attorneys' fees and costs. The Clerk of Court is respectfully directed to enter judgment and close the case.

SO ORDERED.

/s/ Eric Komitee
ERIC KOMITEE
United States District Judge

Dated: February 23, 2022
Brooklyn, New York